

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, ) Criminal No. 01cr2333-L  
Plaintiff, )  
v. ) **ORDER:**  
ROBERT CRONIN, )  
Defendant. )  
\_\_\_\_\_  
)

**(1) DENYING DEFENDANT'S  
MOTION REQUESTING AN  
ORDER TO PLACE DEFENDANT  
IN THE 500 HOUR RESIDENTIAL  
DRUG & ALCOHOL PROGRAM;  
and**

**(2) DENYING DEFENDANT'S  
MOTION TO ADD AN ADDENDUM  
AND/OR CORRECT THE  
PRESENTENCING REPORT**

Defendant Robert Cronin, a federal inmate proceeding pro se, has submitted a motion requesting the Court to order his placement in the 500-hour Bureau of Prison's residential drug and alcohol treatment program. Although the Court may recommend placement in such a program at the time of sentencing, it has no jurisdiction to order Defendant's placement in such a program; authority over that decision is held by the executive branch. *See* 18 U.S.C. § 4042. Accordingly, Defendant's Motion Requesting an Order to Place Defendant in the 500 Hour (RDAP) Residential Drug & Alcohol Program is **HEREBY DENIED**.

Defendant has also filed a motion to add an addendum to or correct the Presentence Report. This motion was filed on February 6, 2007, more than four years after the judgment in

1 this case became final.<sup>1</sup> Thus, the Court now lacks authority to correct or modify the  
2 Presentence Report. Therefore, Defendant's Motion to Add an Addendum and/or Correct the  
3 Presentencing Report is **HEREBY DENIED**.

4 **IT IS SO ORDERED.**

5 DATED: September 21, 2007

6   
7 M. James Lorenz  
United States District Court Judge

28 \_\_\_\_\_  
29 <sup>1</sup> As no notice of appeal was filed, Defendant's conviction became final on November  
23, 2002, ten days following the entry of judgment.